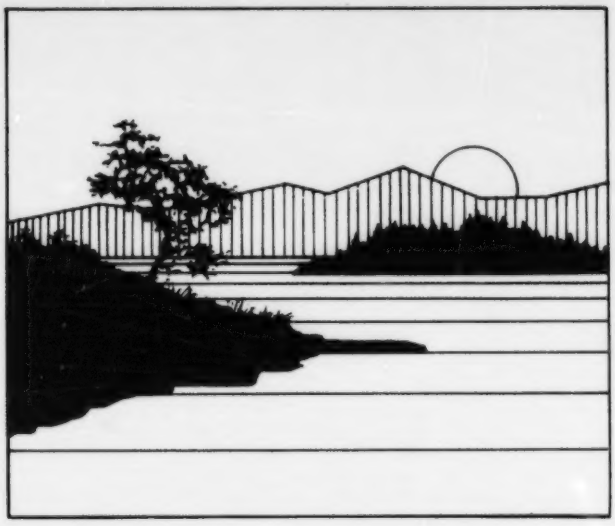

The Regulation Of Bed and Breakfast Businesses In The Islands Trust Area

Islands Trust Position Paper No. 3

Province of
British Columbia
Ministry of
Municipal Affairs

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POSITION PAPER

ON

THE REGULATION OF

BED AND BREAKFAST BUSINESSES

IN THE ISLANDS TRUST AREA

Islands Trust

Munistry of Municipal Affiars

October, 1986

Position Paper #3

THIS POSITION PAPER
WAS ENDORSED BY THE
ISLANDS TRUST COUNCIL
ON JUNE 7, 1986

NOTES TO USERS

This is one of a series of position papers produced by the Island Trust. These papers have received the endorsement of the Islands Trust Council (an informal committee consisting of the 26 elected trustees of the Islands Trust). They describe the recommended approaches of the Trust Council regarding a variety of land use and development issues, but have not been adopted as policy by the individual local trust committees.

Under the Islands Trust Act, each local trust committee has the authority to develop land use regulations appropriate for their area. The position papers are used by the local trust committees to assist them in developing appropriate and effective plans and regulations, and in working with other government agencies to resolve land use and development issues.

A list of the position papers produced to date by the Islands Trust is provided below.

No. 1 - The Object of the Islands Trust: Renewing the Consensus

No. 2 - The Regulation of Home Occupations in the Islands Trust Area

No. 3 - The Regulations of Bed and Breakfast Businesses in the Islands Trust Area

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INTRODUCTION

Bed and breakfast operations are an increasingly popular form of tourist accommodation on the islands. Because they involve a commercial use combined with a residential use they are a sensitive land use topic, and have been the subject of discussion on many islands. In recognition of the commonality of the bed and breakfast issue Trust Council, at its December 1985 meeting, requested staff to prepare a position paper on bed and breakfast accommodation, to assist local trust committees in the development of effective policies and regulations.

This position paper outlines a recommended approach to the bed and breakfast issue but does not represent the policy of any individual local trust committee. The **Islands Trust Act** provides that each local trust committee has the authority to develop land use regulations appropriate for its area.

I. BACKGROUND

The term "bed and breakfast" is used in this paper to refer to a type of tourist accommodation offered in conjunction with, and usually secondary to, residential use. The traditional bed and breakfast, as the term indicates, provides a place for tourists to sleep as well as the first meal of the day. Variations to this include accommodation where additional meals are provided and where the number of guests accommodated is sufficiently large that the residential use becomes secondary. For the sake of convenience the commonly used term "bed and breakfast" is used in this paper and the distinctions between type, based on the range of meals offered and the scale of operation, are addressed where appropriate.

Bed and breakfast accommodation traditionally offers a more modest facility and a more personal atmosphere than other forms of tourist accommodation. Typically, guests have exclusive use of a room, share bathroom facilities and eat in a central location. The impacts of individual bed and breakfast operations would tend to be relatively minor. Cumulatively, the impacts on the community could be somewhat greater. The main positive impacts can be summarized as follows:

- they provide a needed service to tourists;
- they provide an alternative form of accommodation;
- they provide income to the operators and to other island residents;
- they involve relatively little capital outlay to establish;
- they disperse the potential social and environmental impacts of tourist accommodation.

The potential negative impacts are less tangible. The additional traffic, for example, should not be significantly greater than that for a single family residence. There should be no additional noise, smell, dust or other such nuisances. The impacts would increase in relation to the scale of operation, however, and at some point could become measurable. Therefore, scale must be considered in any approach to bed and breakfast regulation. Also, as bed and breakfast operations provide a commercial function, their impact on other commercial operations must be considered.

II. OBJECTIVES

Any approach to the regulation of bed and breakfast operations should be consistent with policies of the Islands Trust and the individual local trust committees. These policies are largely contained in the following documents:

- *"The Policy of the Islands Trust" (1983);*
- *"The Object of the Islands Trust: Renewing the Consensus" (1986);*
- *"Position Paper on the Regulation of Home Occupations in the Islands Trust Area" (1986);*
- *additional position papers to be adopted; and*
- *individual island Official Community Plans (including Rural Land Use Bylaws).*

A review of "The Policy of the Islands Trust" provides the following partial list of policies to assist in the development of bed and breakfast regulations:

- *To support the "bed and breakfast" approach to visitor accommodation.*
- *To encourage tourism which depends on and harmonizes with rural living and a largely undisturbed natural environment, and to discourage tourism which is in conflict with these features and other policies of this (document).*
- *To ensure that the very qualities sought by visitors and residents are not destroyed in an effort to accommodate the increased recreational demands on the islands.*

The **"Position Paper on the Regulation of Home Occupations in the Islands Trust Area"** includes a series of principles some of which are particularly relevant to bed and breakfast operations. These principles, applied specifically to bed and breakfast operations, provide the following framework:

- *Bed and breakfast operations should be encouraged and any regulations should be directly aimed at mitigating or eliminating expected negative impacts on the community.*
- *Different categories of bed and breakfast accommodation may be appropriate, based on scale and the level of regulation required.*
- *Consideration should be given to the effect on full-scale tourist accommodation.*
- *Regulations should minimize interference with the peaceful enjoyment of nearby properties.*
- *Regulations should be legally sound and practical to enforce.*

III. INVOLVEMENT OF OTHER JURISDICTIONS

Bed and breakfast operations are a land use and as such may be regulated through the land use control bylaws within the Trust's jurisdiction. Before reviewing regulatory alternatives, it is worthwhile to briefly summarize the role of other jurisdictions.

Registration - The Hotel Registration Act requires that a registry of guests be maintained for all tourist accommodation operations of any size. There are no land use implications for this requirement.

Taxation - The Hotel Room Tax Act applies where accommodations are let to four or more persons, and requires a tax be charged. Again, this is not a land use matter.

Health - The Health Act and regulations for tourist accommodation would not apply to bed and breakfast operations carried on within private dwellings. In terms of sewage disposal, a bed and breakfast operation would be treated as a residential use. Sewage disposal permits are based on the size of dwelling and the number of bedrooms. For existing buildings, where the additional sewage generated by guests may create or exacerbate a sewage disposal problem the health inspector would be authorized to require corrective action where public health would be affected. Health aspects would generally not be land use considerations except where there are severe sewage disposal problems or water supply shortages which could be aggravated by the additional requirements of the bed and breakfast operations.

Fire Safety - The Fire Services Act does not apply to private dwellings where lodging is provided.

Building Code - For those islands where a building code is in effect, the local building code would apply.

ALR - Lands in the Agricultural Land Reserve have restrictions over and above those in local land use bylaws. The Agricultural Land Commission Act and Regulations restrict the use of land in the ALR to farm use, with a limited range of other uses being permitted subject to application to the Commission. Prospective bed and breakfast operators should apply to the Commission for permission to carry on their business.

IV. REGULATORY OPTIONS AND RECOMMENDATIONS

There are three basic options available to the Trust in considering whether to allow an activity to occur.

1. Permit the activity outright in all zones and impose regulations or requirements where necessary to reduce or eliminate potential negative impacts. The regulations could restrict the size, the number of rooms used for guest accommodation, the number of guests, the meals permitted to be served and the number and size of signs. Requirements for parking and screening could also be imposed if necessary. Rezoning would be required should a person wish to exceed the scale permitted or serve extra meals, and their application could then be considered in light of the expected additional impact.

2. Restrict the activity to certain zones where it would not be expected to have a significant impact. Rezoning would be required to permit the activity in other areas, and the application could then be considered on its own merits.

3. Permit the activity by issuance of a temporary use permit and consider rezoning based on the performance of the activity during the trial period.

As outlined in the Trust's position paper on home occupations, the impact of traditional bed and breakfast operations is minimal and therefore warrants minimal regulation. For this reason, the first option is the more appropriate: to permit bed and breakfast operations in all zones and to impose those regulations and requirements necessary to reduce or eliminate negative impacts. To restrict the scale and overall impact of bed and breakfast operations the following more specific regulations and requirements should be considered:

1. Scale

The zoning bylaw should limit the number of guests and/or the number of rooms used for bed and breakfast accommodation. If larger scale accommodation is acceptable in certain zones then more than one category of bed and breakfast could be employed. The meals permitted to be offered could similarly vary. For example, the zoning bylaw could permit the following types of bed and breakfast accommodation:

"bed and breakfast"
- in all zones
- limited to breakfast only
- maximum 2 bedrooms and 6 people

"rural bed and breakfast"
- in rural zones
- permit all meals
- maximum 3 bedrooms and 9 people

"guest house" - in commercial zones and large lot rural zone
- permit all meals
- maximum 8 bedrooms and 24 people

The above example permits expanded forms of accommodation where they would be less likely to affect neighbours' enjoyment of their property. The number of guests and rooms and the meals permitted could vary by island and consideration should also be given to the food and lodging services available elsewhere on the island.

2. **Parking Requirements**

One additional parking space for each bed and breakfast room permitted would be a reasonable requirement for most situations.

3. **Sign Control**

It would be reasonable to restrict the number and size of signs permitted, so as to reduce the visual impact.

4. **Screening Requirements**

Screening requirements may be worthwhile imposing, but only for certain larger scale accommodation. For example, where a guest house is adjacent to residential properties some screening may be necessary to reduce the visual or noise impacts. In the vast majority of cases, bed and breakfast operations would be indistinguishable from residential uses, and no screening requirements should be imposed.

V. SUMMARY

Bed and breakfast operations are increasingly popular in the Trust area. Because they involve a commercial use combined with a residential use they have been a sensitive land use topic, and the subject of discussion on many islands.

The purpose of this paper was to assist local trust committees in reviewing their existing regulations of bed and breakfast operations. This paper is advisory only and is not binding on any trust committee.

Bed and breakfast operations are a low impact form of tourist accommodation, appropriate to the rural character of the islands, and as such should be encouraged, with minimal regulation. It is recommended that bed and breakfast operations be permitted in all zones, with the possible exception of areas experiencing severe water shortages or severe sewage disposal problems. Some regulations are necessary to limit the scale of operation and establishment of more than one category of bed and breakfast type accommodation may be appropriate for some islands. Parking requirements and sign regulations are also recommended.

The regulation of bed and breakfast operations may be examined on its own or, alternatively, in conjunction with home occupations as a whole. For either course of action, reference should be made to the "Position Paper on the Regulations of Home Occupations in the Islands Trust Area".